

REMARKS

The Examiner has rejected Claims 6-11, 14, 15, 17, and 19 under 35 U.S.C. §102(e), or in the alternative, under 35 U.S.C. §103(a), based on the contention that the claims are anticipated by and/or obvious over U.S. Patent No. 6,364,793, issued to Valarik (Valarik). The Examiner has continued this rejection over prior arguments by Applicant, arguing that the prior art shows, among other things, a unitary outer surface having a raised, roughened texture, embedded shock absorbing elements, and having spaced-apart cavities. Applicant continues to traverse the Examiner's rejections.

Notwithstanding the traversal, Applicant has amended the claims to better define the invention. Specifically, Applicant has amended Claims 14 and 19 to include that the cavities in the blade are distally spaced apart in a pre-arranged orientation. As can be seen in Fig. 1 of the present invention, shock absorbing elements 16 are embedded into the blade of a stick in cavities, spaced at regular intervals along the face of the blade. Such a structure is not taught, disclosed or suggested by Valarik.

Thus far, the Examiner has argued that the "cavities" claimed in Claims 14 and 19 are shown in Valarik. The Examiner contends that Valarik shows these cavities because the rubber grains placed on an adhesive layer would "make" their own cavities (presumably in the adhesive layer itself). What the Examiner fails to point out is how these "cavities" are "spaced apart from one another" as claimed in the present invention, instead relying on the mere conclusion that they are spaced. Nevertheless, what is apparent from Valarik is that there is absolutely no "pre-arranged orientation" for these "cavities." Valarik teaches that a random conglomeration of rubber grains of between 0.01 to 8 mm thickness, which is pressed onto the blade surface and the adhesive layer. (Valarik, Col. 1 L. 63- Col. 2 L. 3). The rubber grains, even if they made

“spaced apart” cavities on the adhesive layer, do not make these cavities in the “pre-arranged orientation” claimed in the present invention.

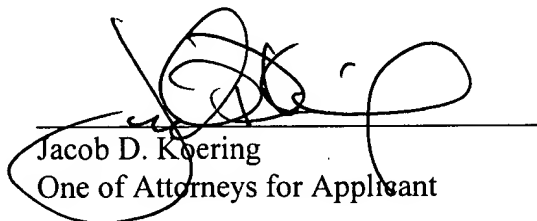
Based on the above, Applicant submits that Claims 14 and 19 should now be in condition for allowance. Furthermore, the remaining claims in the application, namely Claims 15 and 17, each depend from Claim 14, and should therefore also now be in condition for allowance. Therefore, reconsideration and passage to allowance of all remaining claims is respectfully requested.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

FACTOR & PARTNERS, LLC

Dated: April 14, 2004



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 14, 2004.

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